

REFERENCE TITLE: racing; pari-mutuel wagering

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

# **SB 1472**

Introduced by  
Senator Bennett

AN ACT

AMENDING SECTIONS 5-110, 5-111 AND 5-112, ARIZONA REVISED STATUTES; RELATING  
TO RACING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 5-110, Arizona Revised Statutes, is amended to read:

5-110. Racing days, times and allocations: emergency transfer: county fairs: charity days

A. Permits for horse, harness or dog racing meetings shall be approved and issued for substantially the same dates allotted to permittees for the same type of racing during the preceding year or for other dates that permittees request, provided that, in the event there is a conflict in dates requested between two or more permittees in the same county for the same kind of racing, the permittee whose application is for substantially the same dates as were allotted to the permittee in the preceding year shall be entitled to have preference over other permittees. In the event two or more permittees have agreed that the dates to be allotted to each of them each year shall be alternated from one year to the next, the commission shall recognize their agreement and such permittees may be accorded preference over any other permittee as to those dates to be allotted to such permittees on an alternating basis. Except as otherwise provided, the commission shall allot dates to the respective permittees after giving due consideration to all of the factors involved and the interests of permittees, the public and this state.

B. The commission may require by the terms of any permit that the permittee offer such number of races during any racing meeting as the commission shall determine, provided that the permittee shall be permitted to offer not less than the same number of races each day as offered in the prior year. The commission shall require each horse racing permittee to conduct for a period of thirty days a number of races equal to an average of not less than two races for each day of racing exclusively for quarter horses. If, in the opinion of the commission, the permittee is offering acceptable quarter horse races but an honest effort is not being put forth to fill these races by the horsemen, the commission may rescind the two race per day quarter horse requirement.

C. Live racing and wagering on simulcast races shall be permissible in either daytime or nighttime, but there shall be no live daytime dog racing OR HARNESS RACING on the same day that there is live daytime horse ~~or harness~~ racing in any county in which commercial horse or harness racing has been conducted prior to February 1, 1971, and no live nighttime horse or harness racing on the same day that there is live nighttime dog racing in the same county. There shall be no wagering on simulcast dog races OR SIMULCAST HARNESS RACES OFFERED BY A DOG RACING PERMITTEE before ~~4:15~~ 4:00 p.m., mountain standard time, on the same day that there is live daytime horse RACING or harness racing in any county in which commercial horse or harness racing has been conducted before February 1, 1971, and no wagering on simulcast horse RACES or SIMULCAST harness ~~racing~~ RACES OFFERED BY A HORSE RACING PERMITTEE after 7:30 p.m., mountain standard time, on the same day

1 that there is live nighttime dog racing in the same county. The hours during  
2 which any other dog, harness or horse racing is to be conducted shall be  
3 determined by the commission. The application for a permit shall state the  
4 exact days on which racing will be held and the time of day during which  
5 racing will be conducted. NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
6 SECTION, WITH THE CONSENT OF ANY OTHER COMMERCIAL RACING PERMITTEE IN THE  
7 SAME COUNTY WHO HAS CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT  
8 LESS THAN FORTY DAYS PER YEAR IN EACH YEAR FOR AT LEAST TWELVE CONSECUTIVE  
9 YEARS BEGINNING AFTER 1992, A COMMERCIAL LIVE RACING PERMITTEE WHO HAS  
10 CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS THAN FORTY DAYS  
11 PER YEAR IN EACH YEAR FOR AT LEAST TWELVE CONSECUTIVE YEARS BEGINNING AFTER  
12 1992 MAY OFFER AND CONDUCT WAGERING AT ANY TIME OF THE DAY OR NIGHT ON  
13 SIMULCAST RACING OF THE SAME TYPE OF RACING AS THE PERMITTEE'S LIVE RACING  
14 PERMIT RECEIVED AT THE RACE TRACK ENCLOSURE WHERE THE LIVE RACING IS  
15 CONDUCTED AND AT ANY ADDITIONAL WAGERING FACILITY OWNED OR LEASED BY THE  
16 PERMITTEE IN THE SAME COUNTY AND IN ANY OTHER COUNTY WITH THE CONSENT OF ANY  
17 PERMITTEE WHO HAS CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS  
18 THAN FORTY DAYS OF LIVE RACING PER YEAR IN EACH YEAR FOR AT LEAST TWELVE  
19 CONSECUTIVE YEARS BEGINNING AFTER 1992 IN THAT COUNTY. NOTWITHSTANDING ANY  
20 OTHER PROVISION OF THIS SECTION, A COMMERCIAL RACING PERMITTEE WHO HAS  
21 CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS THAN FORTY DAYS  
22 OF LIVE RACING PER YEAR IN EACH YEAR FOR AT LEAST TWELVE CONSECUTIVE YEARS  
23 BEGINNING AFTER 1992 MAY OFFER WAGERING ON SIMULCAST HARNESS RACING DURING  
24 THE TIME OF DAY THE PERMITTEE IS ALLOWED TO CONDUCT LIVE OR SIMULCAST RACING  
25 AND, WITH THE CONSENT OF ANY OTHER LIVE RACING PERMITTEE IN THE SAME COUNTY  
26 WHO HAS CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS THAN  
27 FORTY DAYS PER YEAR IN EACH YEAR FOR AT LEAST TWELVE CONSECUTIVE YEARS  
28 BEGINNING AFTER 1992, MAY OFFER WAGERING ON SIMULCAST HARNESS RACING ANY TIME  
29 OF THE DAY OR NIGHT AT THE PERMITTEE'S LIVE RACING ENCLOSURE AND AT ANY  
30 ADDITIONAL WAGERING FACILITY OWNED OR LEASED BY THE PERMITTEE IN THE SAME  
31 COUNTY. THE CONSENT PROVIDED FOR IN THIS SECTION SHALL BE FOR A PERIOD OF  
32 NOT LESS THAN ONE YEAR AT A TIME.

33 D. If the commission determines that an emergency has obligated or may  
34 obligate a permittee to discontinue racing at a location, the commission may  
35 authorize the permittee to transfer racing for the number of days lost to any  
36 other location.

37 E. A racing meeting, when operated by a county fair racing association  
38 or under lease during the county fair to any individual, corporation or  
39 association, shall not come under the limitation placed on days of racing in  
40 this section.

41 F. The department shall be the judge of whether a county fair racing  
42 meeting is being operated in accordance with ~~the provisions of~~ this  
43 section. A county fair racing meeting conducted by an individual,  
44 corporation or association, other than the properly authorized county fair  
45 racing association, shall come under the general provisions of this article

1 the same as a commercial meeting. Notwithstanding this subsection, a county  
2 fair racing meeting, whether conducted by a county fair racing association or  
3 by an individual, corporation or association other than a county fair racing  
4 association, is exempt from the requirement prescribed in section 5-111 to  
5 pay to the state a percentage of the pari-mutuel pool collected at the  
6 meeting.

7 G. The commission may allow a permittee, in addition to the days  
8 specified in this permit, to operate up to three racing days during any one  
9 meeting as charity days. From the amount deducted from the total handled in  
10 the pari-mutuel pool on charity days, the permittee shall deduct an amount  
11 equal to the purses and the cost of conducting racing on these days, and  
12 shall donate the balance to nonprofit organizations and corporations ~~which~~  
13 ~~THAT~~ benefit the general public, ~~which~~ ~~THAT~~ are engaged in charitable,  
14 benevolent and other like work and ~~which~~ ~~THAT~~ are selected by the permittee  
15 and approved by the department. In no event shall the amount given to  
16 charity from charity racing days be less than the amount which otherwise  
17 would have gone to this state as the state's share on a noncharity racing  
18 day.

19 H. Notwithstanding any other provision of this chapter, any dog racing  
20 permittee to which a permit to conduct dog racing in this state has been  
21 issued may in any racing year modify the racing date allocations made to the  
22 permittee for conducting dog racing at a track by reallocating up to  
23 two-thirds of the racing dates allocated to that permittee for dog racing at  
24 a track to another track in this state at which the permittee or a  
25 corporation of common ownership to the permittee conducts dog racing. For  
26 the purpose of this section, a corporation of common ownership to the  
27 permittee is a corporation ~~which~~ ~~THAT~~ is owned or controlled, directly or  
28 indirectly, by the same corporation that owns or controls the permittee and  
29 ~~which~~ ~~THAT~~ holds a permit to conduct dog racing in this state.

30 I. Notwithstanding any other provision of this article, any dog racing  
31 permittee that has offered live dog racing in eight out of ten calendar years  
32 from 1980 to 1990 in counties that have a population of less than five  
33 hundred thousand persons ~~according to the most recent United States decennial~~  
34 ~~census~~ shall be considered as operating a racetrack enclosure for all  
35 purposes under this article and shall not be required to conduct live racing  
36 as a condition of that permittee's racing permit. Any permittee qualified  
37 under this subsection may conduct wagering on telecasts of races conducted at  
38 racetrack enclosures within this state or at racetrack enclosures outside  
39 this state without offering live racing at that permittee's racetrack  
40 enclosure.

41 Sec. 2. Section 5-111, Arizona Revised Statutes, is amended to read:

42 5-111. Wagering percentage to permittee and state; exemptions

43 A. The commission shall prescribe rules governing wagering on races  
44 under the system known as pari-mutuel wagering. Wagering shall be conducted  
45 by a permittee only by pari-mutuel wagering and only on the dates for which

1 racing or dark day simulcasting has been authorized by the commission.  
 2 Wagering for a licensed racing meeting shall be conducted by a **COMMERCIAL**  
 3 **LIVE RACING** permittee only within an enclosure in which authorized **LIVE**  
 4 racing takes place and, in counties having a population of less than five  
 5 hundred thousand persons or at least one million five hundred thousand  
 6 persons, ~~as shown by the most recent United States decennial census,~~ at those  
 7 additional facilities ~~which~~ **THAT** are owned or leased by a permittee, ~~and~~  
 8 ~~which~~ **THAT ARE APPROVED BY THE COMMISSION AND THAT** are used by a permittee  
 9 for handling wagering as part of the pari-mutuel system ~~and pool of the~~  
 10 ~~permittee at the enclosure where the authorized racing is conducted~~ **OF THE**  
 11 **COMMERCIAL LIVE RACING PERMITTEE**. In all other counties, wagering may also  
 12 be conducted at additional facilities ~~which~~ **THAT** are owned or leased by a  
 13 **COMMERCIAL LIVE RACING** permittee who is licensed to conduct live racing in  
 14 those counties or who has the consent of all commercial **RACING** permittees  
 15 currently licensed to conduct live racing in those counties and ~~which~~ **THAT**  
 16 are used by a permittee for handling wagering ~~and~~ as part of the pari-mutuel  
 17 system ~~and pool of the permittee at the enclosure where the authorized~~ **OF THE**  
 18 **COMMERCIAL LIVE** racing ~~is conducted~~ **PERMITTEE**. If the additional facilities  
 19 have not been used for authorized racing before their use for handling  
 20 wagering, a permittee shall not use the facilities for handling wagering  
 21 before receiving approval for such use by the governing body of the city or  
 22 town, if located within the corporate limits, or by the board of supervisors,  
 23 if located in an unincorporated area of the county. A permittee may televise  
 24 ~~the~~ **ANY LIVE** races **OR ANY SIMULCAST RACES RECEIVED AT THE PERMITTEE'S RACING**  
 25 **ENCLOSURE** to the additional facilities at the times the races are conducted  
 26 **OR RECEIVED AT THE PERMITTEE'S RACING ENCLOSURE**. For the purpose of section  
 27 5-110, subsection C only, a race upon which wagering is permitted under this  
 28 subsection shall be deemed to also occur at the additional facility in the  
 29 county in which the additional facility is located, and as such shall be  
 30 limited in the same manner as actual live racing in such county. For the  
 31 purpose of subsections B and C of this section, the wagering at the  
 32 additional facility shall be deemed to occur in the county in which the  
 33 additional facility is located.

34 B. During the period of any permit for dog racing in any county, the  
 35 state shall receive five and one-half per cent of all monies handled in the  
 36 pari-mutuel pool operated by the permittee, to be paid daily during the  
 37 racing meeting. In all counties having a population of one million five  
 38 hundred thousand persons or more, ~~according to the most recent United States~~  
 39 ~~decennial census,~~ four and three-quarters per cent of the gross amount of  
 40 monies handled in a pari-mutuel pool shall be deducted from the pari-mutuel  
 41 pool and shall be deposited daily into a trust account for the payment of  
 42 purse amounts. In counties having a population of less than one million five  
 43 hundred thousand persons ~~according to the most recent United States decennial~~  
 44 ~~census,~~ four per cent of the gross amount of monies handled in a pari-mutuel  
 45 pool shall be deducted from the pari-mutuel pool and shall be deposited daily

1 in a trust account for the payment of purse amounts. In addition,  
2 twenty-five per cent of any reduction in pari-mutuel taxes each year  
3 resulting from the application of the hardship tax reduction credit  
4 determined pursuant to subsection I of this section shall be deposited in the  
5 trust account for supplementing purse amounts in an equitable manner over the  
6 racing meeting as determined by the commission. Notwithstanding any other  
7 provision of this subsection, the percentage paid by a permittee to the state  
8 does not apply to monies handled in a pari-mutuel pool for wagering on  
9 simulcasts of out-of-state races. During a week in which a permittee  
10 conducts live racing at the permittee's racetrack enclosure, the permittee  
11 shall deduct from monies handled in a pari-mutuel pool for wagering on  
12 simulcasts of out-of-state races and deposit daily in a trust account for the  
13 payment of purse amounts the same percentage of the pari-mutuel pool as is  
14 deducted for purses for live races unless otherwise agreed by written  
15 contract. Unless otherwise agreed by written contract, if the commission  
16 reasonably determines that live racing will not be conducted within one  
17 calendar year at a racetrack enclosure, the permittee shall deduct from  
18 monies handled in a pari-mutuel pool for wagering on simulcasts of  
19 out-of-state races and deposit daily in a trust account to supplement purses  
20 of any dog track where live racing is conducted within a one hundred mile  
21 radius. The supplementing provided by this subsection shall be in the most  
22 equitable manner possible as determined by the commission. The permittee  
23 shall allocate the funds in the trust account and pay purse amounts at least  
24 biweekly. The permittee ~~may~~, at the permittee's discretion, ~~MAY~~ pay  
25 additional amounts to augment purses from the amounts received by the  
26 permittee under this subsection.

27 C. During the period of a permit for horse, harness or dog racing, the  
28 permittee ~~which~~ ~~THAT~~ conducts such meeting may deduct up to and including  
29 twenty-five per cent of the total amount handled in the regular pari-mutuel  
30 pools and ~~may~~, at the permittee's option, ~~MAY~~ deduct up to and including  
31 thirty per cent of the total amount handled in the exacta, daily double,  
32 quinella and other wagering pools involving two horses or dogs, and up to and  
33 including thirty-five per cent of the total amount handled in the trifecta or  
34 other wagering pools involving more than two horses or dogs in one or more  
35 races. The amounts if deducted shall be distributed as prescribed in  
36 subsection D of this section and section 5-111.02 for horse or harness racing  
37 permittees. For dog racing permittees, unless otherwise agreed by written  
38 contract, the permittee shall allocate to purses from amounts wagered on live  
39 racing conducted in this state an amount equal to fifty per cent of any  
40 amounts that are deducted pursuant to this subsection in excess of twenty per  
41 cent of the total amount handled in the regular pari-mutuel pools, twenty-one  
42 per cent of the total amount handled in the exacta, daily double, quinella  
43 and other wagering pools involving two dogs or twenty-five per cent of the  
44 total amount handled in the trifecta or other wagering pools involving more  
45 than two dogs in one or more races. For dog racing permittees the

percentages prescribed in subsection B of this section shall be distributed to the state and to the trust account for payment of purse amounts and the permittee shall receive the balance. If the dog racing permittee has made capital improvements, the distribution to the state shall be adjusted as provided in section 5-111.03. Monies deposited in the trust account for payment of purses pursuant to this subsection shall be in addition to amounts deposited pursuant to subsection B of this section.

D. During the period of a permit for horse or harness racing, the state shall receive two per cent of the gross amount of the first one million dollars of the daily pari-mutuel pools and five per cent of the gross amount exceeding one million dollars of the daily pari-mutuel pools. Notwithstanding any other provision of this subsection, the percentage paid by a permittee to the state does not apply to monies handled in a pari-mutuel pool for wagering on simulcasts of out-of-state races. ~~The permittee shall retain the balance of the total amounts deducted pursuant to subsection C of this section. Of~~ FROM the amount ~~retained by the permittee, less the amount DEDUCTED PURSUANT TO SUBSECTION C OF THIS SECTION FROM WAGERING ON LIVE OR SIMULCAST HORSE RACING OR SIMULCAST HARNESS RACING, AFTER DEDUCTIONS FOR ALLOCATIONS TO THIS STATE AS PROVIDED IN SUBSECTION C OF THIS SECTION AND THE AMOUNTS~~ payable to the permittee for capital improvements pursuant to ~~section~~ SECTIONS 5-111.02 AND 5-111.03, breakage distributed to the permittee pursuant to section 5-111.01 and other applicable state, county and city transaction privilege or other taxes, unless otherwise agreed by written contract, ~~A COMMERCIAL HORSE RACING PERMITTEE SHALL ALLOCATE~~ fifty per cent ~~shall~~ OF THE BALANCE TO be used for purses AT THE RACETRACK ENCLOSURE WHERE THE COMMERCIAL HORSE RACING PERMITTEE CONDUCTS LIVE RACING. A COMMERCIAL LIVE DOG RACING PERMITTEE SHALL ALLOCATE AMOUNTS NET OF COSTS OF ADVERTISING DEDUCTED FROM THE PROCEEDS RECEIVED FROM WAGERING ON SIMULCAST HARNESS RACING IN THE SAME MANNER PROVIDED IN SUBSECTION B OF THIS SECTION. Unless otherwise agreed by written contract, fifty per cent of the revenues received by the permittee from simulcasting races as provided in section 5-112, net of costs of advertising, shall be utilized as a supplement to the general purse structure. All amounts ~~which~~ THAT are deducted from the pari-mutuel pool for purses pursuant to this section and sections 5-111.01, 5-112 and 5-114 and ~~revenues which~~ PROCEEDS THAT are received from simulcasting and ~~which~~ THAT are to be used as a supplement to the general purse structure pursuant to this subsection shall be deposited daily into a trust account for the payment of purse amounts.

E. Any county fair racing association may apply to the commission for one racing meeting each year and the commission shall set the number of days and the dates of such meetings. A racing meeting conducted under this subsection shall be operated in such manner that all profits accrue to the county fair racing association, and the county fair racing association may deduct from the pari-mutuel pool the same amount as prescribed in subsection C of this section. All county fair racing meetings, whether conducted by

1 county fair racing associations under ~~the provisions of~~ this subsection or by  
2 an individual, corporation or association other than a county fair racing  
3 association, are exempt from the payment to the state of the percentage of  
4 the pari-mutuel pool prescribed by subsection D of this section and are also  
5 exempt from ~~the provisions of~~ section 5-111.01.

6 F. Monies from charity racing days are exempt from the state  
7 percentage of the pari-mutuel pool prescribed in this section.

8 G. Sums held by a permittee for payment of unclaimed pari-mutuel  
9 tickets are exempt from ~~the provisions of the revised Arizona unclaimed~~  
10 ~~property act,~~ title 44, chapter 3.

11 H. All of the amounts received by a permittee from the gross amount of  
12 monies handled in a pari-mutuel pool and all amounts held by a permittee for  
13 payment of purses pursuant to this section and sections 5-111.01, 5-112 and  
14 5-114 are exempt from the provisions of title 42, chapter 5.

15 I. On August 1 of each year a permittee is eligible for a hardship tax  
16 credit pursuant to this subsection. For THE purposes of this subsection,  
17 "permittee" ~~shall include~~ INCLUDES any person who has succeeded to the  
18 interest of a permittee and who is authorized to conduct racing at the  
19 facility for which the permit was issued. The department shall determine the  
20 amount of any hardship tax credit as follows:

21 1. Determine the percentage decrease in pari-mutuel wagering by  
22 determining the percentage decrease in pari-mutuel wagering between the base  
23 period amount and the amount of pari-mutuel wagering in the previous fiscal  
24 year at the racetrack and the additional wagering facilities operated by the  
25 permittee. The base period amount is the highest total annual pari-mutuel  
26 wagering at the racetrack and all additional wagering facilities as reported  
27 to the department for fiscal year 1989-1990, 1990-1991, 1991-1992, 1992-1993  
28 or 1993-1994.

29 2. Determine the permittee's hardship tax credit by multiplying the  
30 total pari-mutuel tax due as a result of wagering at the racetrack and all  
31 additional wagering facilities for the previous fiscal year before applying  
32 any hardship tax credit amount by the percentage decrease in pari-mutuel  
33 wagering determined pursuant to paragraph 1 of this subsection and  
34 multiplying the result by three.

35 3. The permittee's pari-mutuel tax due as otherwise determined under  
36 subsections B and D of this section shall be reduced for the current period  
37 and any future periods by an amount equal to the amount of the hardship tax  
38 credit determined pursuant to this subsection. The hardship tax credit is in  
39 addition to any other tax exemptions, rebates and credits.

40 Sec. 3. Section 5-112, Arizona Revised Statutes, is amended to read:

41 5-112. Wagering legalized; simulcasting of races; unauthorized  
42 wagering prohibited; classification

43 A. Except as provided in subsection L of this section, section  
44 5-101.01, subsection G and title 13, chapter 33, any person within the  
45 enclosure of a racing meeting held pursuant to ~~the provisions of~~ this article



1 may wager on the results of a race held at the meeting or televised to the  
 2 racetrack enclosure by simulcasting pursuant to this section by contributing  
 3 money to a pari-mutuel pool operated by the permittee as provided by this  
 4 article.

5 B. The department ~~may~~, upon request by a permittee, ~~MAY~~ grant  
 6 permission for electronically televised simulcasts of horse, harness or dog  
 7 races to be received by the ~~permittee~~ COMMERCIAL LIVE RACING PERMITTEE AT THE  
 8 PERMITTEE'S LIVE RACING ENCLOSURE. In counties having a population of one  
 9 million five hundred thousand persons or more ~~according to the most recent~~  
 10 ~~United States decennial census~~, the simulcasts shall be received at the  
 11 racetrack enclosure where a horse, harness or dog racing meeting is being  
 12 conducted, provided that the simulcast may only be received during,  
 13 ~~immediately~~ before or ~~immediately~~ after a minimum of nine ~~posted~~ races HAVE  
 14 BEEN POSTED for that racing day. In counties having a population of five  
 15 hundred thousand persons or more, but less than one million five hundred  
 16 thousand persons ~~according to the most recent United States decennial census~~,  
 17 the simulcasts shall be received at the racetrack enclosure where a horse,  
 18 harness or dog racing meeting is being conducted provided that the simulcast  
 19 may only be received during, ~~immediately~~ before or ~~immediately~~ after a  
 20 minimum of four posted races for that racing day. In all other counties, the  
 21 simulcasts shall be received at a racetrack enclosure at which authorized  
 22 racing has been conducted whether or not posted races have been offered for  
 23 the day the simulcast is received. The simulcasts shall be limited to horse,  
 24 harness or dog races. The simulcasts shall be limited to the same type of  
 25 racing as authorized in the permit for live racing conducted by the  
 26 permittee. The department ~~may~~, upon request by a permittee, ~~MAY~~ grant  
 27 permission for the permittee to transmit the live race from the racetrack  
 28 enclosure where a horse, harness or dog racing meeting is being conducted to  
 29 a facility or facilities in another state. All simulcasts of horse or  
 30 harness races shall comply with the interstate horse racing act of 1978 (P.L.  
 31 95-515; 92 Stat. 1811; 15 United States Code chapter 57). All forms of  
 32 pari-mutuel wagering shall be allowed on LIVE OR SIMULCAST horse, harness or  
 33 dog races ~~televised by simulcasting~~ THAT ARE AVAILABLE FOR WAGERING AND THAT  
 34 ARE CONDUCTED BY A LIVE COMMERCIAL HORSE OR DOG RACING PERMITTEE UNDER THIS  
 35 CHAPTER. All monies wagered by patrons on these horse, harness or dog races  
 36 shall be computed in the amount of money wagered each racing day for purposes  
 37 of section 5-111.

38 C. Notwithstanding subsection B of this section, in counties having a  
 39 population of one million five hundred thousand persons or more ~~according to~~  
 40 ~~the most recent United States decennial census~~, simulcasts may be received  
 41 at the racetrack enclosure and ~~at~~ THE PERMITTEE MAY OFFER PARI-MUTUEL  
 42 WAGERING ON THE SIMULCASTS AT any additional wagering facility used by a  
 43 permittee for handling wagering as provided in section 5-111, subsection A  
 44 during a permittee's racing meeting as approved by the commission, ~~WHETHER OR~~  
 45 ~~NOT THE SIMULCASTS ARE TELEVIEWED TO THE ADDITIONAL WAGERING FACILITY AND~~

whether or not posted races have been conducted on the day the simulcast is received, if:

1. For horse and harness racing, the permittee's racing permit requires the permittee to conduct ~~a minimum~~ AN AVERAGE of nine posted races on an average of five racing days each week at the permittee's racetrack enclosure during the period beginning on October 1 and ending on the first full week in May, PROVIDED THAT THE NUMBER OF POSTED RACE DAYS DURING THE PERIOD MAY BE REDUCED TO NOT LESS THAN ONE HUNDRED FORTY POSTED RACE DAYS SUBJECT TO AN AGREEMENT BETWEEN THE PERMITTEE AND THE GROUP REPRESENTING THE MAJORITY OF THE HORSEMEN AT THE PERMITTEE'S RACING FACILITY.

2. For dog racing, the permittee is required to conduct a minimum of twelve posted races on each of five days each week for fifty weeks during a calendar year at the permittee's racetrack enclosure.

D. Notwithstanding subsection B of this section, in counties having a population of five hundred thousand persons or more but less than one million five hundred thousand persons ~~according to the most recent United States decennial census~~, simulcasts may be received at the racetrack enclosure and the PERMITTEE MAY OFFER PARI-MUTUEL WAGERING ON THE SIMULCASTS at any additional wagering facility used by a permittee for handling wagering as provided in section 5-111, subsection A during a permittee's racing meeting as approved by the commission, WHETHER OR NOT THE SIMULCASTS ARE TELEVISED TO THE ADDITIONAL WAGERING FACILITY AND whether or not posted races have been conducted on the day the simulcast is received, subject to the following conditions:

1. For horse and harness racing, the permittee may conduct wagering on dark day simulcasts for twenty days, provided the permittee conducts a minimum of seven posted races on each of the racing days mandated in the permittee's commercial racing permit. In order to conduct wagering on dark day simulcasts for more than twenty days, the permittee is required to conduct ~~a minimum~~ AN AVERAGE of seven posted races on one hundred forty racing days at the permittee's racetrack enclosure.

2. For dog racing, the permittee is required to conduct a minimum of nine posted races on each of four days each week for fifty weeks during a calendar year at the permittee's racetrack enclosure.

E. In an emergency and upon a showing of good cause by a permittee, the commission may grant an exception to the minimum racing day requirements of subsections C and D of this section.

F. The minimum racing day requirements of subsections C and D of this section shall be computed by adding all racing days, including any county fair racing days operated in accordance with section 5-110, subsection F, allotted to the permittee's racetrack enclosure in one or more racing permits and all racing days allotted to the permittee's racetrack enclosure pursuant to section 5-110, subsection H.

1 G. Notwithstanding subsection B of this section and subject to  
2 subsections C and D of this section, during the period of the permit for  
3 horse racing, wagering on dark day simulcasts of horse races at a permittee's  
4 additional wagering facilities shall only be allowed for a maximum number of  
5 days equal to the number of days of live horse racing scheduled to be  
6 conducted at that permittee's racetrack enclosure during the permittee's  
7 racing meeting, and during the period of a permit for dog racing, wagering on  
8 dark day simulcasts of dog races at a permittee's additional wagering  
9 facilities shall only be allowed for a maximum number of days equal to the  
10 number of days of live dog racing scheduled to be conducted at that  
11 permittee's racetrack enclosure during the permittee's racing meeting. The  
12 number of days allowed for dark day simulcasting under this subsection shall  
13 be computed by adding all racing days, including any county fair racing days  
14 operated in accordance with section 5-110, subsection F, allotted to the  
15 permittee's racetrack enclosure in one or more racing permits and all racing  
16 days allocated to the permittee's racetrack enclosure pursuant to section  
17 5-110, subsection H.

18 H. Simulcast signals or teletracking of simulcast signals does not  
19 prohibit live racing or teletracking of that live racing in any county at any  
20 time.

21 I. Except as provided in subsection L of this section, section  
22 5-101.01, subsection G and title 13, chapter 33, any person within a  
23 racetrack enclosure or an additional facility authorized for wagering  
24 pursuant to section 5-111, subsection A may wager on the results of a race  
25 televised to the ~~facility~~ PERMITTEE'S LIVE RACING ENCLOSURE pursuant to  
26 section 5-111, subsection A by contributing to a pari-mutuel pool operated as  
27 provided by this article.

28 J. Notwithstanding subsection B of this section, the department, in  
29 counties having a population of one million five hundred thousand persons or  
30 more ~~according to the most recent United States decennial census, may, upon~~  
31 AND ON request by a permittee for one day each year, MAY grant permission for  
32 simulcasts to be received without compliance with the minimum of nine posted  
33 races requirement.

34 K. Except as provided in this article and in title 13, chapter 33, all  
35 forms of wagering or betting on the results of a race, including but not  
36 limited to buying, selling, cashing, exchanging or acquiring a financial  
37 interest in pari-mutuel tickets, except by operation of law, whether the race  
38 is conducted in this state or elsewhere, are illegal.

39 L. ~~Until June 1, 2003, a permittee shall not knowingly permit a minor~~  
40 ~~to be a patron of the pari-mutuel system of wagering. Beginning on June 1,~~  
41 2003, A permittee shall not knowingly permit a person who is under twenty-one  
42 years of age to be a patron of the pari-mutuel system of wagering.

1           M. Except as provided in title 13, chapter 33, any person ~~violating~~  
2 ~~any provision of~~ WHO VIOLATES this article with respect to any wagering or  
3 betting, whether the race is conducted within or without this state, is  
4 guilty of a class 6 felony.

5           N. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, simulcasting may only  
6 be authorized for the same type of racing authorized by a permittee's live  
7 racing permit.